

In the Senate of the United States,

October 22, 1999.

Resolved, That the bill from the House of Representatives (H.R. 441) entitled “An Act to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.”, do pass with the following

AMENDMENT:

1 Page 18, after line 5, insert:

2 *SEC. 5. NATIONAL INTEREST WAIVERS OF JOB OFFER RE-*
3 *QUIREMENTS FOR ALIENS WHO ARE MEM-*
4 *BERS OF THE PROFESSIONS HOLDING AD-*
5 *VANCED DEGREES OR ALIENS OF EXCEP-*
6 *TIONAL ABILITY.*

7 *Section 203(b)(2)(B) of the Immigration and Nation-*
8 *ality Act (8 U.S.C. 1153(b)(2)(B)) is amended to read as*
9 *follows:*

10 “(B) WAIVER OF JOB OFFER.—

1 “(i) *NATIONAL INTEREST WAIVER.*—
2 *Subject to clause (ii), the Attorney General*
3 *may, when the Attorney General deems it to*
4 *be in the national interest, waive the re-*
5 *quirements of subparagraph (A) that an*
6 *alien’s services in the sciences, arts, profes-*
7 *sions, or business be sought by an employer*
8 *in the United States.*

9 “(ii) *PHYSICIANS WORKING IN SHORT-*
10 *AGE AREAS OR VETERANS FACILITIES.*—

11 “(I) *IN GENERAL.*—*The Attorney*
12 *General shall grant a national interest*
13 *waiver pursuant to clause (i) on behalf*
14 *of any alien physician with respect to*
15 *whom a petition for preference classi-*
16 *fication has been filed under subpara-*
17 *graph (A) if—*

18 “(aa) *the alien physician*
19 *agrees to work full time as a phy-*
20 *sician in an area or areas des-*
21 *ignated by the Secretary of Health*
22 *and Human Services as having a*
23 *shortage of health care profes-*
24 *sionals or at a health care facility*

1 under the jurisdiction of the Sec-
2 retary of Veterans Affairs; and

3 “(bb) a Federal agency or a
4 department of public health in
5 any State has previously deter-
6 mined that the alien physician’s
7 work in such an area or at such
8 facility was in the public interest.

9 “(II) *PROHIBITION.*—No perma-
10 nent resident visa may be issued to an
11 alien physician described in subclause
12 (I) by the Secretary of State under sec-
13 tion 204(b), and the Attorney General
14 may not adjust the status of such an
15 alien physician from that of a non-
16 immigrant alien to that of a perma-
17 nent resident alien under section 245,
18 until such time as the alien has worked
19 full time as a physician for an aggre-
20 gate of five years (not including the
21 time served in the status of an alien
22 described in section 101(a)(15)(J)), in
23 an area or areas designated by the Sec-
24 retary of Health and Human Services
25 as having a shortage of health care

professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs.

“(III) *STATUTORY CONSTRUCTION.*—Nothing in this subparagraph may be construed to prevent the filing of a petition with the Attorney General for classification under section 204(a), or the filing of an application for adjustment of status under section 245, by an alien physician described in subclause (I) prior to the date by which such alien physician has completed the service described in subclause (II).

“(IV) *EFFECTIVE DATE.*—The requirements of this subsection do not affect waivers on behalf of alien physicians approved under section 203(b)(2)(B) before the enactment date of this subsection. In the case of a physician for whom an application for a waiver was filed under section 203(b)(2)(B) prior to November 1, 1998, the Attorney General shall grant a national interest waiver pursuant to

1 *section 203(b)(2)(B) except that the*
 2 *alien is required to have worked full*
 3 *time as a physician for an aggregate of*
 4 *three years (not including time served*
 5 *in the status of an alien described in*
 6 *section 101(a)(15)(J)) before a visa*
 7 *can be issued to the alien under section*
 8 *204(b) or the status of the alien is ad-*
 9 *justed to permanent resident under sec-*
 10 *tion 245.”.*

11 **SEC. 6. FURTHER CLARIFICATION OF TREATMENT OF CER-**
 12 **TAIN INTERNATIONAL ACCOUNTING FIRMS.**

13 *Section 206(a) of the Immigration Act of 1990 (8*
 14 *U.S.C. 1101 note) is amended to read as follows:*

15 *“(a) CLARIFICATION OF TREATMENT OF CERTAIN*
 16 *INTERNATIONAL ACCOUNTING AND MANAGEMENT CON-*
 17 *SULTING FIRMS.—In applying sections 101(a)(15)(L) and*
 18 *203(b)(1)(C) of the Immigration and Nationality Act, and*
 19 *for no other purpose, in the case of a partnership that is*
 20 *organized in the United States to provide accounting or*
 21 *management consulting services and that markets its ac-*
 22 *counting or management consulting services under an*
 23 *internationally recognized name under an agreement with*
 24 *a worldwide coordinating organization that is collectively*
 25 *owned and controlled by the member accounting and man-*

1 *agement consulting firms or by the elected members (part-*
2 *ners, shareholders, members, employees) thereof, an entity*
3 *that is organized outside the United States to provide ac-*
4 *counting or management consulting services shall be consid-*
5 *ered to be an affiliate of the United States accounting or*
6 *management consulting partnership if it markets its ac-*
7 *counting or management consulting services under the same*
8 *internationally recognized name directly or indirectly*
9 *under an agreement with the same worldwide coordinating*
10 *organization of which the United States partnership is also*
11 *a member. Those partnerships organized within the United*
12 *States and entities organized outside the United States*
13 *which are considered affiliates under this subsection shall*
14 *continue to be considered affiliates to the extent such firms*
15 *enter into a plan of association with a successor worldwide*
16 *coordinating organization, which need not be collectively*
17 *owned and controlled.”.*

Attest:

Secretary.

106TH CONGRESS
1ST SESSION

H. R. 441

AMENDMENT